

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

ANDREW L. COLBORN,

Plaintiff,

vs.

**NETFLIX, INC.; CHROME MEDIA
LLC, F/K/A SYNTHESIS FILMS, LLC;
LAURA RICCIARDI; AND MOIRA
DEMOS,**

Defendants.

Civil No.: 19-CV-484-BHL

JOINT STATUS REPORT

Pursuant to this Court’s Minute Order of June 15, 2022, Plaintiff Andrew L. Colborn (“Colborn”) and Defendants Netflix, Inc. (“Netflix”), and Chrome Media LLC, Laura Ricciardi and Moira Demos (the “Producer Defendants”), by and through undersigned counsel, respectfully submit this Joint Status Report in the above-captioned case regarding “whether any adjustments to the scheduling order are necessary” (Dkt. 249).

The original Scheduling Order in this case set the close of discovery for April 8, 2022 (Dkt. 187). The Court has since granted two motions to extend the discovery deadline. (Dkts. 205 and 209). In relevant part, the current Scheduling Order imposes the following deadlines:

- July 29, 2022: Deadline for deposition of Plaintiff; and
- September 16: Motions for summary judgment due.

In accordance, on June 9, Netflix noticed the deposition of Plaintiff for July 21, and counsel for all parties agreed to reserve July 22 for the second day of Plaintiff’s deposition,

pending the Court’s order on Defendants’ joint, expedited motion to allow them to depose Colborn for 14 hours, collectively (the “14 Hours Motion”) (Dkt. 252).¹

The parties understand the Court’s invitation to submit this Joint Status Report as having been animated by its oral order on June 14 directing Michael Griesbach to comply with the subpoena served on him by Netflix and uncertainty over how long that might take. Mr. Griesbach promptly produced his documents to counsel for Netflix on June 22, 2022. Netflix is now processing these documents, including applying Bates stamps to them, and it anticipates being able to produce to counsel for all parties a complete production of Mr. Griesbach’s documents within the next week.

The parties agree that there is no need at this time to further modify the Scheduling Order as a result of Mr. Griesbach’s production. The parties are prepared for the deposition of Plaintiff to go forward on July 21 as noticed by Netflix, and on July 22 should the Court grant Defendants’ 14 Hours Motion.

Based on the foregoing, Defendants respectfully request that the Court keep the current Scheduling Order in place without modification.

Plaintiff’s position is that it is premature at this time to categorically foreclose any possibility of requests for modification of the Scheduling Order in the future, whether based on third-party productions that Plaintiff has not yet received; based on ongoing review, analysis and comparison of testimony that has only recently been received by Plaintiff’s counsel in

¹ In addition, the deposition of third-party witness Mary Manhardt is scheduled for June 30 and the deposition of third-party witness Lisa Dennis is anticipated to be concluded before or shortly after Mr. Colborn’s deposition. Plaintiff timely noticed these depositions to occur prior to May 20, but neither witness was able to attend on the noticed date and thus the parties agreed among themselves that the depositions could take place after May 20. The parties expect these three witnesses—Mr. Colborn, Ms. Manhardt, and Ms. Dennis—to be the last witnesses deposed in the case.

transcribed form; or for a variety of other potential reasons. However, Plaintiff is not presently aware of a need to modify the Scheduling Order as a result of Mr. Griesbach's production and does not anticipate that any significant modification of the Scheduling Order, such as with respect to summary judgment or expert witness disclosure deadlines, will be necessary.

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